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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/638,051	08/11/2000	David W. Madden	5150-39300	8260
35690	7590	07/01/2004		
MEYERTONS, HOOD, KIVLIN, KOWERT & GOETZEL, P.C. P.O. BOX 398 AUSTIN, TX 78767-0398			EXAMINER PARTON, KEVIN S	
			ART UNIT 2153	PAPER NUMBER 3
DATE MAILED: 07/01/2004				

Please find below and/or attached an Office communication concerning this application or proceeding.

PL

Office Action Summary

Application No.

09/638,051

Applicant(s)

MADDEN ET AL.

Examiner

Kevin Parton

Art Unit

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-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133). Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☐ Responsive to communication(s) filed on ____.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1-33 is/are pending in the application.
4a) Of the above claim(s) ____ is/are withdrawn from consideration.
- 5) ☒ Claim(s) 15-33 is/are allowed.
- 6) ☒ Claim(s) 1-6 and 12-14 is/are rejected.
- 7) ☒ Claim(s) 7-11 is/are objected to.
- 8) ☐ Claim(s) ____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☒ The specification is objected to by the Examiner.
- 10) ☒ The drawing(s) filed on 11 August 2000 is/are: a) ☒ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
Replacement drawing sheet(s) including the correction is required if the drawing(s) is objected to. See 37 CFR 1.121(d).
- 11) ☐ The oath or declaration is objected to by the Examiner. Note the attached Office Action or form PTO-152.

Priority under 35 U.S.C. § 119

- 12) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
- ☐ Certified copies of the priority documents have been received.
 - ☐ Certified copies of the priority documents have been received in Application No. ____.
 - ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).

* See the attached detailed Office action for a list of the certified copies not received.

Attachment(s)

- ☒ Notice of References Cited (PTO-892)
- ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948)
- ☒ Information Disclosure Statement(s) (PTO-1449 or PTO/SB/08)
Paper No(s)/Mail Date 2.
- ☐ Interview Summary (PTO-413)
Paper No(s)/Mail Date. ____.
- ☐ Notice of Informal Patent Application (PTO-152)
- ☐ Other: ____.

DETAILED ACTION

Specification

1. Applicant is reminded of the proper language and format for an abstract of the disclosure.

The abstract should be in narrative form and generally limited to a single paragraph on a separate sheet within the range of 50 to 150 words. It is important that the abstract not exceed 150 words in length since the space provided for the abstract on the computer tape used by the printer is limited. The form and legal phraseology often used in patent claims, such as "means" and "said," should be avoided. The abstract should describe the disclosure sufficiently to assist readers in deciding whether there is a need for consulting the full patent text for details.

The language should be clear and concise and should not repeat information given in the title. It should avoid using phrases which can be implied, such as, "The disclosure concerns," "The disclosure defined by this invention," "The disclosure describes," etc.

2. The abstract of the disclosure is objected to because it exceeds the maximum allowed number of words. Correction is required. See MPEP § 608.01(b).

Claim Rejections - 35 USC § 102

3. The following is a quotation of the appropriate paragraphs of 35 U.S.C. 102 that form the basis for the rejections under this section made in this Office action:

A person shall be entitled to a patent unless –

(e) the invention was described in (1) an application for patent, published under section 122(b), by another filed in the United States before the invention by the applicant for patent or (2) a patent granted on an application for patent by another filed in the United States before the invention by the applicant for patent, except that an international application filed under the treaty defined in section 351(a) shall have the effects for purposes of this subsection of an application filed in the United States only if the international application designated the United States and was published under Article 21(2) of such treaty in the English language.

4. Claims 1-6 and 14 are rejected under 35 U.S.C. 102(e) as being anticipated by Krishnamurthy et al. (USPN 6,389,464).

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5. Regarding claim 1, Krishnamurthy et al. (USPN 6,389,464) teaches a method for transferring data over an external transmission medium with means for:

- a. Receiving a plurality of transfer requests (column 8, lines 65-67).
- b. Building a chain of transfer objects, wherein each transfer object corresponds to one of the plurality of transfer requests (column 16, line 63 – column 17, line 4). Note that all operations or requests (objects) are bundled into a set of objects.
- c. Performing the request of each transfer object in the chain of transfer objects sequentially (column 16, line 63 – column 17, line 25).

6. Regarding claim 2, Krishnamurthy et al. (USPN 6,389,464) teaches all the limitations as applied to claim 1. They further teach means for:

- a. Creating a plurality of transfer objects (column 16, line 63 – column 17, line 4)
- b. Attaching a user callback function to zero or more of the plurality of transfer objects (column 17, lines 13-14).
- c. Linking the plurality of transfer objects together sequentially (column 16, line 63 – column 17, line 25).

7. Regarding claim 3, Krishnamurthy et al. (USPN 6,389,464) teaches all the limitations as applied to claim 2. They further teach means for:

- a. Allocating memory for each of the plurality of transfer objects (column 17, lines 1-4). Please note that since the commands are stored on the site server, memory is allocated to them inherently.

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- b. Populating each of the plurality of transfer objects with transfer information wherein the transfer information comprises one or more transfer types (column 8, lines 65-67; column 17, lines 1-10). Note that a transfer type can be SNMP.
 - c. Allocating memory for a plurality of request block objects, wherein each of the plurality of request block objects is comprised in a corresponding one of the transfer objects, and wherein each of the request block objects provides an operating system independent and bus independent interface which encapsulates operating system dependent and bus dependent data (column 17, lines 1-25). Note that each system has its own platform dependencies and the site server packages requests for all of them.
 - d. Populating each of the plurality of request blocks with operating system dependent and bus dependent information related to a request of a corresponding transfer object (column 17, lines 1-25). The requests are bundled by the site server.
- 8. Regarding claim 4, Krishnamurthy et al. (USPN 6,389,464) teaches all the limitations as applied to claim 3. They further teach means wherein one or more transfer types comprise one or more of a read transfer, a write transfer, a single point transfer, a block transfer, a synchronous transfer, and asynchronous transfer, a random read transfer, or a random write transfer (column 17, lines 1-25).

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9. Regarding claim 5, Krishnamurthy et al. (USPN 6,389,464) teaches all the limitations as applied to claim 1. They further teach means wherein the performing the request of each transform object in the chain of transfer objects sequentially reduces passive/dispatch level transitions (column 17, lines 22-25).

10. Regarding claim 6, Krishnamurthy et al. (USPN 6,389,464) teaches all the limitations as applied to claim 1. They further teach means wherein the performing the request of each transform in the chain of transfer objects sequentially reduces user/kernel mode transitions (column 17, lines 22-25).

11. Regarding claim 14, Krishnamurthy et al. (USPN 6,389,464) teaches all the limitations as applied to claim 1. They further teach means wherein the external transmission medium uses the Ethernet Protocol (figure 2; figure 3, element 62). Note that the LAN allows for communication between the site server and the devices.

Claim Rejections - 35 USC § 103

12. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

13. Claim 12 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al. (USPN 6,389,464) in view of Sescila, III et al. (USPN 5,875,313).

14. Regarding claim 12, although the system disclosed by Krishnamurthy et al. (USPN 6,389,464) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the external transmission medium

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comprises an IEEE 1394 bus, wherein the IEEE 1394 bus is implemented in accordance with an IEEE 1394 protocol specification.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Krishnamurthy et al. (USPN 6,389,464), as evidenced by Sescila, III et al. (USPN 5,875,313).

In an analogous art, Sescila, III et al. (USPN 5,875,313) discloses a system for communication via an external medium wherein the external transmission medium comprises an IEEE 1394 bus, wherein the IEEE 1394 bus is implemented in accordance with an IEEE 1394 protocol specification (figure 2).

Given the teaching of Sescila, III et al. (USPN 5,875,313), a person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Krishnamurthy et al. (USPN 6,389,464) by employing the use of IEEE 1394 protocol for communication. This is a common standard and benefits the system by allowing it to communicate with a wide range of devices connected via this type of bus.

15. Claim 13 is rejected under 35 U.S.C. 103(a) as being unpatentable over Krishnamurthy et al. (USPN 6,389,464).

16. Regarding claim 13, although the system disclosed by Krishnamurthy et al. (USPN 6,389,464) (as applied to claim 1) shows substantial features of the claimed invention, it fails to disclose means wherein the external transmission medium comprises a Universal Serial Bus (USB) bus.

Nonetheless, these features are well known in the art and it would have been an obvious modification of the system disclosed by Krishnamurthy et al. (USPN 6,389,464).

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A person having ordinary skill in the art would have readily recognized the desirability and advantages of modifying Krishnamurthy et al. (USPN 6,389,464) by specifically allowing for communication via USB. This benefits the system by allowing the management of devices that are quickly added and removed by users such as is allowed by USB.

Allowable Subject Matter

17. Claims 7-11 are objected to as being dependent upon a rejected base claim, but would be allowable if rewritten in independent form including all of the limitations of the base claim and any intervening claims.

18. Claims 15-33 are allowed.

Conclusion

19. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure. Please see Beardsley et al. (USPN 6,449,697).

Any inquiry concerning this communication or earlier communications from the examiner should be directed to Kevin Parton whose telephone number is (703)306-0543. The examiner can normally be reached on M-F 8:00AM - 4:30PM.

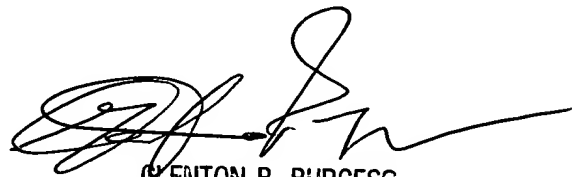
If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Glenton Burgess can be reached on (703)305-4792. The fax phone number for the organization where this application or proceeding is assigned is 703-872-9306.

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Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

Kevin Parton
Examiner
Art Unit 2153

ksp



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